Notice of Allowability	Application No.	Applicant(s)	
	10/084,759	SQUIRES, MERYL J.	
	Examiner	Art Unit	
	Dwayne C. Jones	1614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the amendment of 2/14/05 and the Interview 4/1/05*.
2. ☒ The allowed claim(s) is/are *31 and 35-37*.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/17/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *4/1/05* .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas W. Tolpin on April 1, 2005.

The application has been amended as follows:

In the Specification on page 1 after the Title of the Invention and immediately before the heading "BACKGROUND OF THE INVENTION", *delete* lines 6-11 and replace and *insert* the following starting immediately after the heading entitled "RELATED APPLICATIONS" on line 6:

This application is a continuation of U.S. Serial No. 08/824,041, filed on March 26, 1997, now U.S. Patent No. 6,350,784, which in turn is a continuation-in-part of U.S. Serial No. 08/646,988, filed on May 8, 1996, now U.S. Patent No. 6,355,684, which in turn is a continuation-in-part of U.S. Serial No. 08/600,217, filed on February 12, 1996, now U.S. Patent No. 6,348,503, which in turn is a continuation of U.S. Serial No. 07/595,424, filed on November 11, 1990, abandoned on November 13, 1991.

In the Claim Section, amend the following claim:

Claim 31. (currently amended): A method for use in treating human immunodeficiency virus, comprising the steps of:

systemically applying an antimicrobial compound providing a medical composition into person infected with human immunodeficiency virus;

said antimicrobial compound comprises by weight:

from about 40% to about 60% of a phytochemical concentrate of herbaceous botanicals consisting of Commiphora myrrha and Echinacea purpurea;

from about 20% to about 60% water providing a diluent and carrier for said phytochemical concentrate;

systemically applying said antimicrobial compound into the person infected with human immunodeficiency virus in sufficient concentration and for a sufficient period of time to decrease human immunodeficiency virus in the person;

controlling viral load; and

said antimicrobial isolates of said phytochemical concentrate comprises by weight based upon the total weight of the medical composition:

from about 0.3% to about 9% echinacoside;

from about 0.1% to about 7% ~~PSI selected from the group consisting of~~ PS_I is 4-O-methylglucoronoarabinoxylan, Mr 35 kD and PS_II is acid rhamnoarabinogalactan, Mr 450 kD;

from about 0.1% to about 10% cynarin;

from about 0.2% to about 4% echinolone;

from about 0.2% to about 8% echinacin B;

from about 0.1% to about 6% echinaceine;

from about 2% to about 7% anthonocyanins comprising cynanidin 3-O-B-D-glucopyranoside and 3-O-(6-O-malonyl)-B-D-glucopyranoside;

from about 0.01% to about 0.06% pyrrolizidine alkaloids comprising tussilagine and isotussilagine;

from about 0.003% to about 0.009% isomeric dodeca isobutyalamides and tetroenoic acid; and

Commophora myrrha phytochemicals comprising members selected from the group consisting of: caryophylenes, sequiterpenes, curzerenone, dihydro fuanodien-6-one; 2-methoxyfuradine, elemol, lyndesterene, acetic acid, alpha-amyrone, arabinose, alpha-bisabolene, gamma-bisabolene, cadinene, campesterol, cholesterol, cinnamaldehyde, commiferin, alpha-commiphoric acid, beta-commiphoric acid, gamma-commiphoric acid, commiphorinic acid, m-cresol, cumic alcohol, cuminaldehyde, dipentene, ~~elemol,~~ 3-epi-alpha-amyrin, eugenol, furanodiene, furanodienone, galactose, gum, heerabolene, alpha-heerabomyrrhol, beta-

heerabomyrrhol, heeraboresene, limonene, 4-O-methyl-glucuronic acid, n-nonacesane, beta-sitosterol, and xylose.

Claim 35. (currently amended): A method for use in treating human immunodeficiency virus, comprising the steps of:

systemically applying an antimicrobial compound providing a medical composition into person infected with human immunodeficiency virus;

said antimicrobial compound comprises by weight:

from about 40% to about 60% of a phytochemical concentrate of herbaceous botanicals consisting of Commiphora myrrha and Echinacea purpurea;

from about 20% to about 60% water providing a diluent and carrier for said phytochemical concentrate;

systemically applying said antimicrobial compound into the person infected with human immunodeficiency virus in sufficient concentration and for a sufficient period of time to decrease human immunodeficiency virus in the person;

controlling viral load; and

said antimicrobial isolates of said phytochemical concentrate comprises by weight based upon the total weight of the medical composition:

from about 0.3% to about 9% echinacoside;

from about 0.1% to about 7% ~~PSI selected from the group consisting of~~ PS I is 4-O-methylglucoronoarabinoxylan, Mr 35 kD and PS II is acid rhamnoarabinogalactan, Mr 450 kD;

from about 0.1% to about 10% cynarin;

from about 0.2% to about 4% echinolone;

from about 0.2% to about 8% echinacin B;

from about 0.1% to about 6% echinaceine;

from about 2% to about 7% anthonocyanins comprising cynanidin 3-O-B-D-glucopyranoside and 3-O-(6-O-malonyl)-B-D-glucopyranoside;

from about 0.01% to about 0.06% pyrrolizidine alkaloids comprising tussilagine and isotussilagine;

from about 0.003% to about 0.009% isomeric dodeca isobutyalamides and tetroenoic acid; and

Commophora myrrha phytochemicals comprising members selected from the group consisting of: caryophylenes, sequiterpenes, curzerenone, dihydro fuanodien-6-one; 2-methoxyfuradine, elemol, lyndesterene, acetic acid, alpha-amyrone, arabinose, alpha-bisabolene, gamma-bisabolene, cadinene, campesterol, cholesterol, cinnamaldehyde, commiferin, alpha-commiphoric acid, beta-commiphoric acid, gamma-commiphoric acid, commiphorinic acid, m-cresol, cumic alcohol, cuminaldehyde, dipentene, ~~elemol,~~ 3-epi-alpha-amyrin, eugenol, furanodiene, furanodienone, galactose, gum, heerabolene, alpha-heerabomyrrhol, beta-

heerabomyrrhol, heeraboresene, limonene, 4-O-methyl-glucuronic acid, n-nonacesane, beta-sitosterol, and xylose.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. C. Jones whose telephone number is (571) 272-0578. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, and Fridays from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, may be reached at (571) 272-0951. The official fax No. for correspondence is (571)-273-8300.

Also, please note that U.S. patents and U.S. patent application publications are no longer supplied with Office actions. Accordingly, the cited U.S. patents and patent application publications are available for download via the Office's PAIR, see http://pair-direct.uspto.gov. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications may be obtained from Private PAIR only. For more information about PAIR system, see http://pair-direct.uspto.gov Should

you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll free).

DWAYNE JONES
PRIMARY EXAMINER
Tech. Ctr. 1614
April 2, 2005